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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 JOSE MENDOZA-GONZALEZ,

9 Petitioner,

2:15-cv-02483-APG-GWF

10 vs.

**ORDER**

11 DIRECTOR, NEVADA DEPARTMENT  
12 OF CORRECTIONS, *et al.*,

13 Respondents.  
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16 This action is a petition for writ of habeas corpus by Nevada prisoner Jose Mendoza-  
17 Gonzalez. Mendoza-Gonzalez initiated this action, *pro se*, on December 28, 2015. On May 5, 2016,  
18 respondents filed a motion to dismiss (ECF No. 8). On May 24, 2016, Mendoza-Gonzalez filed a  
19 notice (ECF No. 11), stating that he could not respond to the motion to dismiss, primarily because he  
20 does not speak English, and requesting appointment of counsel. On June 16, 2016, the court  
21 reconsidered its previous denial of a motion for appointment of counsel, ordered the Federal Public  
22 Defender for the District of Nevada (FPD) appointed to represent Mendoza-Gonzalez in this case,  
23 and suspended briefing of the motion to dismiss (ECF No. 13). The FPD appeared as counsel for  
24 Mendoza-Gonzalez on July 6, 2016 (ECF No. 14). Therefore, the court will now set a schedule for  
25 further proceedings in this action.  
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1           Petitioner shall, within 90 days from the entry of this order, file and serve either a response to  
2 respondents' motion to dismiss his original petition for writ of habeas corpus, or an amended  
3 petition for writ of habeas corpus.

4           If petitioner files a response to respondents' motion to dismiss his original petition for writ of  
5 habeas corpus, respondents shall have 30 days to file and serve a reply in support of that motion.

6           If petitioner files an amended petition for writ of habeas corpus, respondents shall have 60  
7 days following service of the amended petition to file and serve an answer or other response to the  
8 amended petition.

9           Petitioner shall have 45 days following service of an answer to file and serve a reply.  
10 Respondents shall thereafter have 30 days following service of a reply to file and serve a response to  
11 the reply.

12           If respondents file a motion to dismiss petitioner's amended petition, petitioner shall have 60  
13 days following service of the motion to file and serve a response to the motion. Respondents shall  
14 thereafter have 30 days following service of the response to file and serve a reply.

15           If petitioner wishes to move for leave to conduct discovery, petitioner shall file and serve  
16 such motion concurrently with, but separate from, the response to any motion to dismiss or the reply  
17 to an answer. Any motion for leave to conduct discovery filed by petitioner before that time may be  
18 considered premature, and may be denied, without prejudice, on that basis. Respondents shall file  
19 and serve a response to any such motion concurrently with, but separate from, their reply in support  
20 of their motion to dismiss or their response to petitioner's reply. Thereafter, petitioner shall have 20  
21 days to file and serve a reply in support of the motion for leave to conduct discovery.

22           If petitioner wishes to request an evidentiary hearing, petitioner shall file and serve a motion  
23 for an evidentiary hearing concurrently with, but separate from, the response to any motion to  
24 dismiss or the reply to an answer. Any motion for an evidentiary hearing filed by petitioner before  
25 that time may be considered premature, and may be denied, without prejudice, on that basis. The  
26 motion for an evidentiary hearing must specifically address why an evidentiary hearing is required,

1 and must meet the requirements of 28 U.S.C. § 2254(e). The motion must state whether an  
2 evidentiary hearing was held in state court, and, if so, state where the transcript is located in the  
3 record. If petitioner files a motion for an evidentiary hearing, respondents shall file and serve a  
4 response to that motion concurrently with, but separate from, their reply in support of their motion to  
5 dismiss or their response to petitioner's reply. Thereafter, petitioner shall have 20 days to file and  
6 serve a reply in support of the motion for an evidentiary hearing.

7 **IT IS SO ORDERED.**

8 Dated: July 7, 2016.

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11 UNITED STATES DISTRICT JUDGE  
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